

# RABUSE LAW FIRM

A PROFESSIONAL ASSOCIATION

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Historic Rand Tower  
Minneapolis, MN 55402  
2012 FEB -1 AM 10:19

OFFICE OF GENERAL  
COUNSEL

Direct - (612) 843-3334  
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January 24, 2012

*Via U.S. Mail*

Jeff S. Jordan  
Supervisor Attorney  
Complaints Examination and Legal Administration  
Federal Elections Commission  
995 E Street NW  
Washington D.C. 20403

RE: Pre-MUR 528

Dear Mr. Jordan:

Ms. Jean Cottingham has authorized me to represent her and has asked that I reply to your recent letter. The statement of Designation of Counsel signed by Ms. Cottingham is enclosed.

Your letter was addressed to Ms. Cottingham "c/o ACPAC ACA International." Ms. Cottingham's employment by ACA and her association with ACPAC came to an end in April 2011. Your undated letter was not forwarded to me from one of the law firms representing the ACA and ACPAC until January 18, 2012. From the date stamp, it was apparently received by ACA on January 12<sup>th</sup>.

Because your letter asked for a reply "within 15 days of receipt" I am providing this preliminary response now. Please understand, however, that a more comprehensive letter is in preparation and you may expect to receive it soon.

For now, you should be aware that Ms. Cottingham has sued the ACA and its former interim CEO, Ted Smith. The lawsuit includes claims under the Minnesota Whistleblower Statute. In the lawsuit, Ms. Cottingham alleges that a senior ACA executive enlisted staffers to falsify certain FEC reports, and then filed those reports without Ms. Cottingham having reviewed, much less approved, of the submittals. When Ms. Cottingham found out about this and other misconduct she "blew the whistle" to ACA Executive Committee members and was wrongfully terminated almost immediately after doing so.

Because there is a confidentiality stipulation in place in the litigation, I have been in discussions with ACA's litigation counsel respecting the extent to which particular information we have

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January 24, 2012  
Page 2

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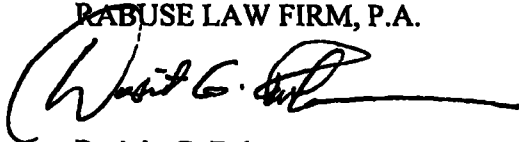
developed in the course of discovery in the litigation may be shared with the FEC. We hope to reach agreement soon regarding the terms on which such information may be shared with you.

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Ms. Cottington and I look forward to providing a full response to your letter soon and to otherwise address all concerns the FEC may have.

Sincerely,

RABUSE LAW FIRM, P.A.



Dwight G. Rabuse  
Attorney at Law

DGR/jmm  
Enclosure

cc: Jean Cottington

1400444001



FEDERAL ELECTION COMMISSION  
999 E Street, NW  
Washington, DC 20463

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COUNSEL

**Statement of Designation of Counsel  
(Respondent/Witness)**

MUR: \_\_\_\_\_

Name of Counsel: DWIGHT RABUSE / ERIN NEILS

Firm: RABUSE LAW FIRM, PA

Telephone: (612) 843-3333

Fax: ( ) \_\_\_\_\_

The above named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

1-23-12  
Date

Jean Cotter  
Signature

Name (Print): JEAN COTTINGTON

Address: \_\_\_\_\_

MENDOTA HEIGHTS, MN 55118

Telephone: Home \_\_\_\_\_

Business ( ) \_\_\_\_\_

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

1-23-12 10:18 AM